

REMARKS

Claims 1-6, 8, 9, 18-21, 23-25, 33-41, 48, 50 and 51 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Rule 131 Declaration:

The sufficiency of Applicant's previously submitted Rule 131 Declaration and accompanying exhibits in regard to conception of the invention was discussed during a telephone interview on August 31, 2006 between Examiner Dalencourt and Applicant's undersigned attorney. Exhibit A and the factual statements made in the inventor's Declaration concerning conception were discussed. The Examiner agreed that the Rule 131 Declaration and exhibits are sufficient to establish both conception and diligence to constructive reduction to practice in order to swear behind the Hendriks reference.

Section 102(e) Rejection:

The Examiner rejected claims 1-6, 18-21 and 48 under 35 U.S.C. § 102(e) as being anticipated by Alexander James Hendriks (U.S. Publication 2002/0087621) (hereinafter "Hendriks"). Applicant respectfully traverses this rejection for at least the reasons below.

As noted above, the Examiner has agreed that Applicant's previously submitted Rule 131 Declaration is sufficient to establish Applicant's date of invention as prior to December 29, 2000. Therefore, Hendriks (U.S. Patent Application 2002/0087621) is removed as a prior art reference since its prior art date is December 29, 2000. Accordingly, Applicants respectfully request removal of the §102(e) rejection of claims 1-6, 18-21 and 48.

Section 103(a) Rejection:

The Examiner rejected claims 8, 9, 23-25, 50 and 51 under 35 U.S.C. § 103(a) as being unpatentable over Hendriks in view of De Greef et al. (U.S. Patent 6,549,217) (hereinafter “De Greef”). Applicant respectfully traverses this rejection for at least the reasons below.

As noted above, Hendriks is not prior art in light of Applicant’s declaration under 37 C.F.R. § 1.131. Therefore, Applicants respectfully request removal of the §103(a) rejection of claims 8, 9, 23-25, 50 and 51.

CONCLUSION


Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-78600/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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Date: August 31, 2006